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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,787	12/24/2001	Jay K. Bass	10004186-1	3880

7590 01/29/2004

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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Loveland, CO 80537-0599

EXAMINER

FORMAN, BETTY J

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,787

Applicant(s)

BASS ET AL.

Examiner

BJ Forman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-68 is/are allowed.
- 6) ☒ Claim(s) 38-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

FINAL ACTION

Status of the Claims

1. This action is in response to papers filed 10 October 2003 in which claims 38, 39, 41, 43-45, 47-51, 53-56, 62 were amended, claims 1-37 were canceled and claim 68 was added.

All of the amendments have been thoroughly reviewed and entered.

The previous rejections in the Office Action dated 10 July 2003 are withdrawn in view of the amendments. All of the arguments have been thoroughly reviewed and are discussed below. New grounds for rejection necessitated by amendment are discussed.

Claims 38-68 are under prosecution.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 38-40, 42-45 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Sommereisen (U.S. Patent No. 6,517,079, filed 12 June 2000).

Regarding Claim 38, Sommereisen discloses a method for forming a chamber comprising: disposing a top element and a bottom element relative to one another to form a gap therebetween and introducing a gas into the gap wherein a pressure of the gas is sufficient to form an aerodynamic seal between the top and bottom element and wherein the top or bottom element is movable with respect to the other during the seal (Abstract and Column 3, lines 31-67).

Regarding Claim 39, Sommereisen discloses the method wherein the gas is introduced adjacent the perimeter of the top and bottom elements (Column 3, lines 3-31).

Regarding Claim 40, Sommereisen discloses the method wherein the bottom element comprises side walls and the gas is introduced through openings in the walls (Column 3, lines 3-67).

Regarding Claim 42, Sommereisen discloses the method wherein a second gas is introduced into the chamber (Column 3, lines 3-19).

Regarding Claim 43, Sommereisen discloses the method wherein a flow of the second gas is substantially uniform (Column 3, lines 3-19). The phrase "substantially uniform" is interpreted to encompass any flow of gas because "substantially" is a relative term. Any flow of gas would be "substantially uniform" when compared to some other less uniform gas flow. Therefore, the gas flow of Sommereisen is encompassed by the instant claim.

Regarding Claim 44, Sommereisen discloses the method wherein flow of the second gas within the interior is dispersed i.e. mixed (Column 3, lines 3-19).

Regarding Claim 45, Sommereisen discloses the method wherein flow of the second gas is dispersed i.e. mixed as it enters the chamber (Column 3, lines 3-19).

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Regarding Claim 47, Sommereisen discloses the method wherein gas introduced into the chamber and flows outwardly through the gap (Column 2, line 57-Column 3, line 19).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sommereisen (U.S. Patent No. 6,517,079, filed 12 June 2000).

Regarding Claims 41 and 46, Sommereisen discloses a method for forming a chamber comprising: disposing a top element and a bottom element relative to one another to form a gap therebetween and introducing a gas into the gap wherein a pressure of the gas is sufficient to form an aerodynamic seal between the top and bottom element and wherein the top or bottom element is movable with respect to the other during the seal (Abstract and Column 3, lines 31-67). Sommereisen do not specifically teach a gas pressure of neither 20 to 50 psi nor the specific gas. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the pressure and gas in the chamber forming method of Sommereisen based on desired chamber and desired use of the chamber.

Allowable Subject Matter

6. The subject matter of Claims 48-68 is free of the prior art of record.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion


8. Claims 48-68 are free of the prior art of record.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741 until 13 January 2004. The examiner can normally be reached on 6:00 TO 3:30 Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (703) 308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0507.



BJ Forman, Ph.D.
Primary Examiner
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January 26, 2004